

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

BUSH SEISMIC TECHNOLOGIES, LLC,

Plaintiff,

v.

DRILLING INFO, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bush Seismic Technologies, LLC (“Bush Seismic” or “Plaintiff”), for its Complaint against Defendant Drilling Info, Inc., referred to as (“Drilling Info” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Bush Seismic Technologies, LLC is a limited liability company organized under the laws of the State of Texas.

3. Upon information and belief, Drilling Info is a corporation organized and existing under the laws of State of Texas, with a place of business at 2901 Via Fortuna Dr., Bldg. 6, Austin, TX 78746 and a registered agent for service of process at Registered Agent Solutions, Inc. 1701 Directors Blvd., Suite 300, Austin, TX 78744. Upon information and belief, Drilling Info sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes into the

stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

7. Upon information and belief, Drilling Info conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas. Further, this Court has personal jurisdiction over Drilling Info because it is incorporated in Texas and has purposely availed itself of the privileges and benefits of the laws of the State of Texas.

THE PATENTS IN SUIT

8. On May 22, 2001, U.S. Patent No. 6,236,942 (“the ’942 patent”), entitled “System and Method for Delineating Spatially Dependent Objects, Such as Hydrocarbon Accumulations from Seismic Data,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’942 patent is attached as Exhibit A.

9. On June 25, 2002, U.S. Patent No. 6,411,903 (“the ’903 patent”), entitled “System and Method for Delineating Spatially Dependent Objects, Such as Hydrocarbon Accumulations from Seismic Data,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’903 patent is attached as Exhibit B.

10. Bush Seismic is the assignee and owner of the right, title and interest in and to the above-referenced patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,236,942

11. The allegations set forth in the foregoing paragraphs 1 through 10 are incorporated into this First Claim for Relief.

12. Upon information and belief, Drilling Info has and continues to directly infringe one or more claims of the '942 patent by making, using, selling, importing and/or providing and causing to be used products and services embodied by one or more claims of the '942 patent, including the use of neural networks or other claimed specialized computer technologies in the exploration of oil and gas and/or minerals, which products and services, by way of example, include Drilling Info's Transform Software and services related thereto (the "Accused Instrumentalities").

13. Drilling Info was made aware of the '942 patent and its infringement thereof at least as early as its receipt of correspondence from Bush Seismic providing notice of the '942 patent and Drilling Info's infringement thereof sent to Drilling Info on March 6, 2015. The letter was sent by Federal Express. Bush Seismic has since received confirmation of delivery, indicating that Defendant has received the letter.

14. Upon information and belief, since at least the time it received notice, Drilling Info has induced and continues to induce others to infringe at least one claim of the '942 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Drilling Info's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '942 patent.

15. In particular, Drilling Info's actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Drilling Info has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Drilling Info has had actual knowledge of the '942 patent and that its acts were inducing infringement of the '942 patent since at least the date Drilling Info received notice that such activities infringed the '942 patent.

16. Despite Bush Seismic's notice to Drilling Info regarding the '942 patent, Drilling Info has continued to infringe the '942 patent. On information and belief, Drilling Info's infringement has been and continues to be willful.

17. Bush Seismic has been harmed by Drilling Info's infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,411,903

18. The allegations set forth in the foregoing paragraphs 1 through 17 are incorporated into this Second Claim for Relief.

19. Upon information and belief, Drilling Info has and continues to directly infringe one or more claims of the '903 patent by making, using, selling, importing and/or providing and causing to be used products and services embodied by one or more claims of the '942 patent, including the use of neural networks or other claimed specialized computer technologies in the exploration of oil and gas and/or minerals, which products and services, by way of example, include Drilling Info's Transform Software and services related thereto (the "Accused Instrumentalities").

20. Drilling Info was made aware of the '903 patent and its infringement thereof at least as early as its receipt of correspondence from Bush Seismic providing notice of the '903 patent

and Drilling Info's infringement thereof sent to Drilling Info on March 6, 2015. The letter was sent by Federal Express. Bush Seismic has since received confirmation of delivery, indicating that Defendant has received the letter.

21. Upon information and belief, since at least the time it received notice, Drilling Info has induced and continues to induce others to infringe at least one claim of the '903 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Drilling Info's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '903 patent.

22. In particular, Drilling Info's actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Drilling Info has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Drilling Info has had actual knowledge of the '903 patent and that its acts were inducing infringement of the '903 patent since at least the date Drilling Info received notice that such activities infringed the '903 patent.

23. Despite Bush Seismic's notice to Drilling Info regarding the '903 patent, Drilling Info has continued to infringe the '903 patent. On information and belief, Drilling Info's infringement has been and continues to be willful.

24. Bush Seismic has been harmed by Drilling Info's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Bush Seismic demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bush Seismic Technologies, LLC demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '903 and '942 patents;
- B. An award of damages to be paid by Drilling Info adequate to compensate Bush Seismic for Drilling Info's past infringement of the '903 and '942 patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Bush Seismic of such further relief at law or in equity as the Court deems just and proper.

Dated: May 22, 2015

DEVLIN LAW FIRM LLC

/s/ Robert Kiddie

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